

RESOLUTION NO. 2013 – 11

RESOLUTION OF THE OVERSIGHT BOARD OF THE SUCCESSOR AGENCY  
TO THE COMMUNITY DEVELOPMENT COMMISSION AS  
THE NATIONAL CITY REDEVELOPMENT AGENCY  
("SUCCESSOR AGENCY") APPROVING THE  
SECOND AMENDMENT TO THE AGREEMENT  
FOR LEGAL SERVICES BETWEEN THE SUCCESSOR AGENCY,  
COMMUNITY DEVELOPMENT COMMISSION - HOUSING AUTHORITY OF  
THE CITY OF CITY OF NATIONAL CITY, AND KANE BALLMER & BERKMAN  
PERTAINING TO REDEVELOPMENT AND HOUSING AUTHORITY  
MATTERS TO INCREASE THE NOT TO EXCEED AMOUNT  
BY \$43,000 FOR A TOTAL AMOUNT OF \$93,000

WHEREAS, the Successor Agency, the Community Development Commission—Housing Authority of the City of National City ("CDC-HA"), and Kane Ballmer & Berkman entered into an Agreement for legal services on February 1, 2011, (the "Agreement") for the not to exceed amount of \$25,000 wherein Kane Ballmer & Berkman agreed to provide as-needed professional legal services pertaining to redevelopment and housing authority matters subject to the terms and conditions of the Agreement; and

WHEREAS, the First Amendment to the Agreement entered into on July 3, 2012, increased the not to exceed amount of compensation payable to Kane Ballmer & Berkman by an additional \$25,000, for a total not to exceed amount of \$50,000; and

WHEREAS, the parties desire to amend the Agreement to increase the not-to-exceed amount of the Agreement by \$43,000, for a total not-to-exceed amount of \$93,000; and

WHEREAS, the services related to matters of the Successor Agency under this Second Amendment are included on the Successor Agency's Recognized Obligation Payment Schedule, and require the approval of the Oversight Board to the Successor Agency and the California Department of Finance prior to being effective as to the Successor Agency.

NOW, THEREFORE, BE IT RESOLVED that the Oversight Board to the Successor Agency to the Community Development Commission as the National City Redevelopment Agency hereby approves the Second Amendment to the agreement for legal services between the Successor Agency, Community Development Commission – Housing Authority of the City of National City, and Kane Ballmer & Berkman pertaining to redevelopment and housing authority matters to increase the not to exceed amount by \$43,000, for a total amount of \$93,000.

BE IT FURTHER RESOLVED that notice of this Resolution shall be transmitted to the California Department of Finance by electronic means, and shall take effect at the time provided in California Health and Safety Code section 34179, subdivision (h).

BE IT FURTHER RESOLVED that the Oversight Board Secretary and/or Successor Agency Secretary shall certify to the adoption of this Resolution.

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December 18, 2013

The foregoing resolution was duly and regularly PASSED and ADOPTED at the regular meeting of the Oversight Board of the Successor Agency to the Community Development Commission as the National City Redevelopment Agency on the 18<sup>th</sup> day of December, 2013, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:



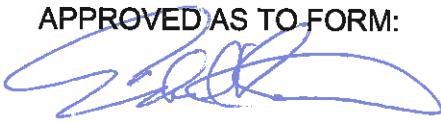
Ron Morrison, Chairman

ATTEST:



Brad Raulston, Executive Director  
Secretary to the Oversight Board

APPROVED AS TO FORM:



Edward Z. Kotkin  
Law Offices of Edward Z. Kotkin  
Oversight Board Counsel

**SECOND AMENDMENT TO AGREEMENT FOR LEGAL SERVICES  
BY AND BETWEEN  
SUCCESSOR AGENCY TO THE COMMUNITY DEVELOPMENT COMMISSION  
AS THE NATIONAL CITY REDEVELOPMENT AGENCY,  
THE COMMUNITY DEVELOPMENT COMMISSION OF  
THE CITY OF NATIONAL CITY ACTING IN ITS CAPACITY AS  
THE HOUSING AUTHORITY OF THE CITY OF NATIONAL CITY,  
AND KANE, BALLMER & BERKMAN**

This SECOND AMENDMENT TO AGREEMENT FOR LEGAL SERVICES (the "Second Amendment") is entered into this 19<sup>th</sup> day of November, 2013, by and between THE SUCCESSOR AGENCY TO THE COMMUNITY DEVELOPMENT COMMISSION AS THE NATIONAL CITY REDEVELOPMENT AGENCY, a public entity, duly created, validly existing and in good standing under the laws of the State of California (the "SUCCESSOR AGENCY") (as the successor in interest to the Community Development Commission of the City of National City, acting in its capacity as the National City Redevelopment Agency (the "CDC-RDA")); THE COMMUNITY DEVELOPMENT COMMISSION OF THE CITY OF NATIONAL CITY ACTING IN ITS CAPACITY AS THE HOUSING AUTHORITY OF THE CITY OF NATIONAL CITY, a public body, corporate and politic (the "CDC-HA"); and KANE, BALLMER & BERKMAN, a law corporation, (the "FIRM").

**RECITALS**

- A. The SUCCESSOR AGENCY, the CDC-HA, and the FIRM (the "Parties") entered into an Agreement for legal services on February 1, 2011, (the "Agreement") wherein the FIRM agreed to provide as-needed professional legal services pertaining to redevelopment and housing authority matters subject to the terms and conditions of the Agreement.
- B. The First Amendment to the Agreement entered into on July 3, 2012, increased the not to exceed amount of compensation payable to the FIRM as stated in Article 3, Section C of the Agreement by an additional \$25,000, for a total not to exceed amount of \$50,000.
- C. The Parties desire to amend the Agreement to increase the not-to-exceed amount of the Agreement by \$43,000, for a total not-to-exceed amount of \$93,000.
- D. On January 10, 2012, the City Council of the City of National City adopted Resolution No. 2012-15, pursuant to Part 1.85 of Division 24 of the California Health and Safety Code, electing for the City to serve as the successor agency to the CDC-RDA upon the dissolution of the National City Redevelopment Agency and the CDC-RDA.
- E. On February 1, 2012, all California redevelopment agencies and all redevelopment agency components of community development agencies were dissolved, successor agencies were established as successor agencies to the former redevelopment agencies pursuant to Health and Safety Code Section 34173, and successor agencies are tasked with paying, performing, and enforcing the enforceable obligations of the former redevelopment agencies.
- F. The services related to matters of the SUCCESSOR AGENCY and/or the former National City Redevelopment Agency/CDC-RDA under this Second Amendment will be included on the SUCCESSOR AGENCY'S Recognized Obligation Payment Schedule and the

Recognized Obligation Payment Schedule will require the approval of the Oversight Board to the Successor Agency prior to being effective.

NOW, THEREFORE, the SUCCESSOR AGENCY, the CDC-HA, and the FIRM hereto agree that the Agreement entered into on February 1, 2011, as amended by the First Amendment, is hereby further amended by this Second Amendment by amending Article 3 (Compensation), Section C of the Agreement and increasing the not-to-exceed amount by \$43,000, for a total not-to-exceed amount of \$93,000.


The parties further agree that with the foregoing exception, each and every term and provision of the Agreement dated February 1, 2011, shall remain in full force and effect.


IN WITNESS WHEREOF, the parties hereto have executed this Second Amendment to the Agreement on the date and year first above written.

**SUCCESSOR AGENCY TO THE  
COMMUNITY DEVELOPMENT  
COMMISSION AS THE NATIONAL CITY  
REDEVELOPMENT AGENCY**

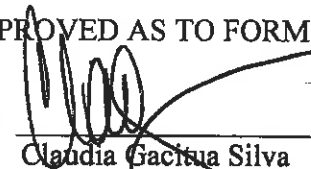
By:   
Ron Morrison  
Chairman

**KANE BALLMER & BERKMAN**

By:   
Murray O. Kane, President

By:   
Kendall D. Berkey, Officer

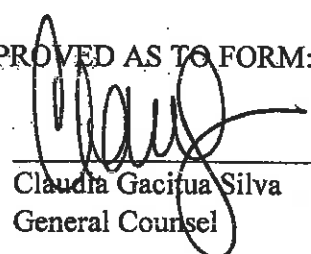
APPROVED AS TO FORM:

By:   
Claudia Gacitua Silva  
General Counsel

**THE COMMUNITY DEVELOPMENT  
COMMISSION OF THE CITY OF NATIONAL  
CITY ACTING IN ITS CAPACITY AS THE  
HOUSING AUTHORITY OF THE CITY OF  
NATIONAL CITY**

By:   
Ron Morrison  
Chairman

APPROVED AS TO FORM:

By:   
Claudia Gacitua Silva  
General Counsel